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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/755,512 | 01/05/2001 | Raymond Kloth | 112025-0074C1 | 6783 |

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CESARI AND MCKENNA, LLP
88 BLACK FALCON AVENUE
BOSTON, MA 02210

| EXAMINER |
|---|
| NGUYEN, TOAN D |

| ART UNIT | PAPER NUMBER |
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| 2616 | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

*--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

THE REPLY FILED <u>13 August 2007</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

    a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

    b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

        Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

    (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

    (b)☐ They raise the issue of new matter (see NOTE below);

    (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

        NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: _____.

    Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

HUY D. VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Continuation of 11. does NOT place the application in condition for allowance because:   The applicant argues with respect to claim 32 on page 15, third paragarph, that Crayford is legally insufficient to anticipate or make obvious the Applicant's claims due at least to the absent of a teaching of suggestion of "concatenating the procotol code together with the VLAN value to produce a mapping address" and "applying the mapping address to a memory structure to obtain a derived VLAN value that is based upon both the frame's protocol type and VLAN value associated with the input port" and "the derived VLAN to differ form at least one other derived VLAN value for another frame received on the input port, but having a different prtocol type." The examiner disagrees. Crayford teaches at col. 9 lines 38-46 (see figure 8):"The receive MAC 62 checks the frames for VLAN taggs. If a frame contains a VLAN tag (contain VLAN Type (protocol code means) and VLAN ID (VLAN value means))(concatenating the procotol code together with the VLAN value means), the receive MAC 62 strips the VLAN identifier in the tag and writes the VLAN identifier to the buffer header of the first buffer in external memory 34 used to store the frame's data." Crayford teaches at col. 9 lines 62-64:"If a match occurs, the aasociated VLAN index is assigned to the frame (produce a mapping address means). Crayford teaches at col. 10 lines 3-7:"The IRC controller 104 uses the VLAN index found in the VLAN index-to-ID table and performs a DA/VLAN index search, as described above ( applying the mapping address to a memory structure to obtain a derived VLAN value that is based upon both the frame's protocol type and VLAN value associated with the input port means). Crayford teaches further at col. 9 lines 47-49:"When the VLAN type in the received frame does not match the contents of the LAN Ethertype register, the IRC 68 assumes the fram is untagged." and at col. 9 lines 64-66:"The IRC 68 then searches the address table for the SA/recive port number using the same method as performed for untagged frames, discussed above."(the derived VLAN to differ form at least one other derived VLAN value for another frame received on the input port, but having a different prtocol type means). Furthermore, the applicant argues with respect to claim 39 on page 17, second paragraph, that Crayford and Shani is legally insufficient to make obvious the Applicant's claims due at least to the absence of a teaching or suggestion of "applying the subnet value to a memory structure to map the subnet value to a derived VLAN value, the derived VLAN value differ form at least one other derived VLAN value for another frame received on the input port, but having a different subnet value." The examiner disagrees. Crayford teaches at col. 6 line 67 to col. 7 line 2: "These VLAN groupings can be thought of as "sub-networks" within a larger network." According to Crayford, VLAN value is the same meaning as subnet value. Therefore, the examiner refers to the same response with regard to claim 32 above.